

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits - AMR SLBC Project – Court cases – Decree Passed by the Hon'ble Principal District Judge, Nalgonda in respect of O.S.No.21/2006 in A.S.No.811/2008 - Sanction of Decretal charges for an amount of Rs.4,51,400/- towards interest - Orders – Issued.

IRRIGATION & CAD (PW:MAJOR IRRIGATION III) DEPARTMENT

G.O.Rt.No. 301

Dated: 1st May, 2009.

READ:-

From the Chief Engineer, NSRSSP., Hyderabad, Lr.No.CE/ AMRP/ W14/US Tank decretal Amount (Illrd reach)/308/2009, dt:18.02.2009 and dt:23.04.2009.

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ORDER:

In the reference read above, the Chief Engineer, NSRSSP., Hyderabad has submitted proposals for sanction of Decretal charges for an amount of Rs.4,51,400/- on the decree passed by the Hon'ble Court of Principal District Judge at Nalgonda in respect of O.S.No.21 of 2006 in A.S.No.811 of 2008. The work of raising the existing bund from km.2.200 to km.2.976 for remodeling of U.S.Tank, Pangal (V) for utilizing it as a balancing reservoir on SLBC Scheme was sanctioned by the Chief Engineer, Srisailem Project, Hyderabad vide CER No.9/88-89 for Rs.116.80 lakh. The work was letout to M/s G.Venkat Reddy & Co., vide L.S.Agt.No.16SE/1989-90 for Rs.65,51,986/- at (-) 41.54% less than the ECV. After executing the work to a tune of Rs.26,52,160/- the contractor had stopped the work in 3/1991 and did not turnup to resume the work, inspite of several notices. Finally the work was terminated by the Executive Engineer, SLBC Division No.6, G.V.Gudem, Nalgonda under clause 60 (a) of PS to APSS. The expenditure incurred by 1st agency was to a tune of Rs.26,52,160/- upto L.S.VI and part bill. The 1st revised estimate was submitted to the Government. Accordingly, Government have approved the 1st revised estimate for an amount of Rs.155.57 lakh vide G.O.Ms.No.71, I & CAD (PW-SLM1) Dept, Dt.23.5.1995. The work was letout to M/s.Arekapudi Constructions, Guntur vide L.S.Agt.No.2SE/96-97, dt.24.10.1996 for Rs.231.44 lakh at (+) 58.10% excess over the ECV with a stipulation to complete the work within 15 months divided in 5 quarters to be executed at 20% in each quarter with effect from 24.10.1996 to 23.1.1998.

2. The Chief Engineer, NSRSSP., Hyderabad has also submitted the proposals for 2nd revised estimate to Government and Government have accorded Administrative Approval to the 2nd revised estimate for Rs. 268.27 lakhs for reach I and Rs.222.68 lakhs for reach.II vide G.O.Ms.No.84, I&CAD (Maj.Irr.III(1)) Dept, Dt.5.5.2005. On receipt of revised Administrative sanction, the Pay and Accounts Officer, AMRP., G.V.Gudem, Nalgonda has paid the final bill for Rs.14,47,013/- on 28.6.2005.

3. The contractor M/s Arekapudi Constructions, Guntur has filed a O.S.No.21/2006 in the District Court, Nalgonda, claiming for interest, for an amount of Rs.16,34,920/- at 18% per annum (i.e., Rs.14,47,013/- at 18% per annum from 12.12.2001 to 22.3.2006 Rs.11,09,856/- and Rs.7,75,450/- at 18% per annum from 12.6.2002 to 22.3.2006 on Rs.5,25,064/-) for delay in payment of final bill. A counter affidavit was filed by the Superintending Engineer's office against the O.S., stating that above facts and keeping the agreement conditions

in para No.4.4.7 wherein the contractor, not entitled to any interest on final settlement and as per Agreement condition 3.10.3, where in, reference for adjudication shall be made by either party to the contractor, within six months from the date of intimating the contractor of the preparation of the bill or having accepted payment and certificate of release and discharges accepted by the Contractor. Further, the delay in completion of work is due to release of water to the ryoths for four years.

4. Further, the concerned Executive Engineer has filed A.S. No.811/2008 in the Hon'ble High Court of A.P., Hyderabad on the Judgement/Decree, dt.8.4.2008 delivered by of Hon'ble District Court, Nalgonda for payment of interest to M/s Arekapudi Constructions, Guntur in the O.S.No.21/2006, though the Government Pleader opined that this is not a fit case for appeal. The Hon'ble High Court of A.P.,Hyderabad was pleased to grant stay on condition to deposit 50% decretal amount within 6 weeks from 4.2.2009.

5. After careful examination of the matter, Government hereby accord sanction of decretal amount of Rs.4,51,400/- (Rupees four lakhs fifty one thousand and four hundred only) towards interest in respect of O.S.No.21 of 2006 in A.S.No.811 of 2008 to deposit in the Court of the Principal District Judge at Nalgonda may be agreed to subject to condition that the Chief Engineer should verify the calculations made by the Superintending Engineer, AMR SLBC Project Circle No.II, G.V. Gudem, Nalgonda once again thoroughly with reference to the decree of the Court and instructions issued by the Government from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.

6. The expenditure sanctioned in Para(5) above, shall be debitable to the following Head of Account under "MH-2701- Major & Medium Irrigation; 01- Major Irrigation (Commercial); MH 127 – AMRSLBC; SH 27 – Canals & Distributaries; 530 – Major works; 531 – Other Expenditure. In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount voted grant.

7. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No.SP 4598/F5/A2/09-1, dated:08-04-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,
SECRETARY TO GOVERNMENT.

To
The Chief Engineer, NSRSSP., 6th Floor, Gaganvihar, M.J.Road, Hyderabad.
The Director of Works and Accounts, Hyderabad.
The Joint Director of Works & Accounts, Nalgonda.
The Superintending Engineer, AMR SLBC Project Circle No.II,
G.V.Gudem, Nalgonda.

Copy to:

The Finance (W&P) Department.
The P.S. to Minister for Major & Medium Irrigation.
The P.S to Secretary to Government (AD),I&CAD (PW) Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.